

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Rickey Paul VanDyke, Sr.,

Case No. 14-cv-224 (SRN/SER)

Plaintiff,

v.

ORDER

The Minneapolis Police Department,

Defendant.

Rickey Paul VanDyke, Sr., *Pro Se*, 4100 27th Avenue South, Minneapolis, Minnesota 55406.

Darla J. Boggs, Esq., Minneapolis City Attorney's Office, 350 South 5th Street, Room 210, Minneapolis, Minnesota 55415, for Defendant.

The above-captioned case came before the undersigned on the Report and Recommendation of United States Magistrate Judge Steven E. Rau. No objections to the Report and Recommendation were filed within the requisite time period. Accordingly, **IT IS HEREBY ORDERED** that Defendant the Minneapolis Police Department's Motion to Dismiss [Doc. No. 7] be **GRANTED in part** and **DENIED in part** as follows:

1. To the extent the Motion to Dismiss seeks to dismiss claims of a continuing violation under the Age Discrimination in Employment Act of 1967, the Motion is **GRANTED**;

2. The Motion is **DENIED** in all other respects; and
3. The parties are ordered to meet and confer regarding identifying and naming the proper defendant.

Dated: January 7, 2015

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge